

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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BALAL MOUSTAFA, a minor, and HALA
MOUSTAFA, individually and as natural
guardian of BALAL MOUSTAFA,

Plaintiffs,

-against-

EGYPTAIR CORPORATION, EGYPT
AIR, ABC CORP. and JOHN DOES 1-5,

Defendants.

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ORDER SETTLING ACTION

09-CV-3346 (ARR) (RER)

RAMON E. REYES, JR., U.S.M.J.:

The parties having consented to have me conduct proceedings and enter a final order as to their Motion for Approval of Infant's Compromise, (Dkt. 9), pursuant to 28 U.S.C. § 636; and

Upon conducting a hearing and making findings of fact on April 23, 2010 and upon reading and filing the affirmation of MARK S. GURALNICK, ESQ., of MARK S. GURALNICK, P.C., attorney for plaintiffs, signed under penalty of perjury on April 8, 2010, Power of Attorney, signed by SAYED MOUSTAFA and HALA MOUSTAFA, on behalf of BALAL MOUSTAFA, on February 16, 2010, appointing MARK S. GURALNICK, ESQ. an attorney-in-fact for the purposes of this case, and it appearing that the minor is seventeen years of age, and it appearing that the injury complained of by the minor BALAL MOUSTAFA is limited to a minor burn to his leg, which has been treated by the minor's primary care physician and has now healed, leaving no scars, and it appearing that the action raises serious doubts as to liability of the defendant EGYPT AIRLINES COMPANY, sued herein as "EGYPTAIR CORPORATION, EGYPT AIR, ABC CORP. and JOHN DOES 1-5," because of (1) a lack of

proof of the minor's injuries, (2) a lack of treatment of the minor's injuries other than by his primary care physician, (3) preclusion of the plaintiffs' claims by the two-year time limitation pursuant to the Convention for the Unification of Certain Rules for International Carriage by Air Done at Montreal art. 35, opened for signature May 28, 1999, S. Treaty Doc. No. 106-45, 2242 U.N.T.S. 350 (entered into force Nov. 4, 2003), known as the Montreal Convention, and (4) possible counter-claims of the minor's contributory negligence, and it appearing that counsel for the minor has considered the risks, expense and delay associated with full litigation of this matter, and having been satisfied that HALA MOUSTAFA understands the terms of the proposed settlement and the risks and benefits of proceeding with this litigation, and has determined that the proposed settlement is fair and reasonable, and the Court having determined that the best interests of the said minor will be served,

NOW, on motion of MARK S. GURALNICK, ESQ., attorney for the plaintiff, it is hereby

ORDERED, that MARK S. GURALNICK, ESQ. be and hereby is authorized and empowered on behalf of BALAL MOUSTAFA and HALA MOUSTAFA, to settle and enter into a compromise of the minor's claim against EGYPT AIRLINES COMPANY, represented by CHRISTOPHER CARLSEN, ESQ., of CLYDE & CO US LLP, for the total sum of One Thousand and Two Hundred Dollars (\$1,200.00), and that conditioned upon compliance with the terms of this Order, the parent be and hereby is authorized and empowered to execute and deliver a general release and any other instruments necessary to effectuate the settlement herein, and it is further

ORDERED, that HALA MOUSTAFA has waived her individual claims in this action,

and it is further

ORDERED, that MARK S. GURALNICK, ESQ., of MARK S. GURALNICK, P.C., has waived his claim for compensation and services, including disbursements, and it is further

ORDERED, that the defendant EGYPT AIRLINES COMPANY is authorized and directed to issue a check made payable to “HALA MOUSTAFA for the benefit of BALAL MOUSTAFA,” in the amount of One Thousand and Two Hundred Dollars (\$1,200.00), which check must be deposited by HALA MOUSTAFA in the highest interest-bearing account with an FDIC-insured bank (“Bank”), for the credit, sole use and benefit of the minor plaintiff herein, BALAL MOUSTAFA, and which shall not be subject to withdrawal unless expressly authorized by this Order or other Order of the Court, except the Bank is hereby authorized to issue checks to appropriate federal, state and local tax authorities for tax liabilities with respect to the funds deposited herein in said account, and it is further

ORDERED, that on or anytime after BALAL MOUSTAFA reaches the age of eighteen years, the Bank is hereby directed upon the demand of BALAL MOUSTAFA, without further order of this Court, to pay over to BALAL MOUSTAFA all monies held by it in said account, and it is further

ORDERED, that said payment shall constitute damages on account of physical injury or physical sickness in a case involving physical injury or physical sickness within the meaning of Sections 104(a) (2) and 130(c) of the Internal Revenue Code of 1986, as amended, and it is further

ORDERED, that the filing of a bond is hereby waived in accordance with N.Y. C.P.L.R.

§ 1210(c).

Dated: **Brooklyn, New York**
 May 7, 2007

Ramon E. Reyes, Jr.

Ramon E. Reyes, Jr.
United States Magistrate Judge